

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

October 13, 2017

TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Jaime Michaels, Chief of Permits (415/352-3613; jaime.michaels@bcdc.ca.gov)

SUBJECT: Listing of Pending Administrative Matters
(For Commission consideration on October 19, 2017)

This report lists the administrative permit applications, federal consistency actions, marsh development permits in the Secondary Management Area of the Suisun Marsh, regionwide permit actions, minor amendments to the Suisun Marsh Local Protection Program, and emergency permits that are pending with the Commission. The staff members to whom the matters have been assigned are indicated at the end of the projects' description. Inquiries should be directed to the assigned staff member prior to the Commission meeting.

Administrative Permits and Federal Consistency Actions

The following administrative permit application and consistency determination have been filed and are presently pending with the Commission. The Executive Director will take the action indicated on the matters unless the Commission determines that it is necessary to hold a public hearing.

Applicant: **Marin Audubon Society**
48 Ardmore Road
Larkspur, California 94939

BCDC Permit Application No. M2017.017.00

Filed: 10/06/17
90th Day: 01/04/18

Location: In the Commission's Bay and 100-foot shoreline jurisdiction, at 72 Industrial Way adjacent to the Corte Madera Ecological Reserve, in the Town of Corte Madera, Marin County.

Description: Expand an ecological reserve by restoring approximately 3.2 acres of tidal marsh and 2.2 acres of transitional habitat area located within and outside of the Commission's jurisdiction through:

In the Bay

1. Excavation and in-kind maintenance of approximately 291 cubic yards of material at areas totaling approximately 0.035 acres to create 0.035 acres of tidal channels (totaling 112 linear feet and ranging in depth from 3.5 to 6 feet);

Within the 100-foot Shoreline Band

1. Excavation of approximately 11,059 cubic yards (cy) of material over an approximately 1.813-acre area to create approximately 1.545 acres of tidal marsh at an elevation of approximately 5 feet NAVD88, 0.185 acres of tidal channels, and two refuge islands (0.041 acres), and 0.042 acres of seasonal wetlands;
2. Placement of approximately 4,356 cy of material over an approximately 0.699-acre area to create a transition zone/upland area with a height of 17 feet NAVD88 and an 8:1 slope (the subsurface of the transition zone/upland will contain debris, while the surface will consist of soil);
3. Placement of approximately 3,990 cy of material and seeding with native seed mix in two areas totaling 0.644 acres;
4. Planting of 2.06 acres of the transition zone area with native transition zone/upland plants;
5. Construction, use and in-kind maintenance of an approximately 395-foot-long, six-foot-tall chain-link at the western edge of the project site; and
6. In-kind maintenance of the project described above.

The project will not result in Bay fill. Presently, the site is accessed by the public (such as walkers, bicyclists, and dog walkers) even though such access is technically not allowed by the property owner. The project includes the development of an approximately 150-foot-long, universally-accessible public path with a four-foot-tall fence/railing, an approximately 10-foot-wide viewing area, and interpretive signage. This public path is designed for flooding and sea level rise until 2050.

On July 24, 2017, the Commission staff received a comment letter on the project from Mr. Pierre Josephs and Ms. Donna Crawford of Josephs Storage Yard, which is located adjacent to the project site (Exhibit 1). Mr. Josephs and Ms. Crawford oppose the project due to the proposed project's potential to disturb existing marsh and wildlife and expressed concern that construction activities "will cause flooding." The permit applicant received a Biological Opinion, dated August 22, 2017, from the U.S. Fish and Wildlife Service for the project and, further, the project will include avoidance and minimization measures as recommended and required by the California Department of Fish and Wildlife. Further, Permit No. M2017.017.00 will include special conditions to address sea level rise along the public path beyond 2050.

Tentative Staff Position: Recommend Approval. (Tinya Hoang, (415) 352-3622, tinya.hoang@bcd.ca.gov)

Applicant: U.S. Department of the Interior
 National Park Service
 Golden Gate National Recreation Area
 Fort Mason
 San Francisco, California 94123

Consistency Determination No. C2017.005.00

Filed: 09/18/17
 60th Day: 11/17/17

Location: Within the coastal zone as defined in the federal Coastal Zone Management Act, at the Port of San Francisco Piers 31, 31 ½, and 33, at The Embarcadero, in the City and County of San Francisco, and at the federally-owned Fort Baker area within the Golden Gate National Recreation Area, adjacent to the City of Sausalito, Marin County.

Description: The subject consistency determination is *not* for the actual construction of the project elements identified below. The National Park Service (NPS) is requesting the Commission's consideration of a *project in-concept only* for facilities for ferry service between San Francisco and Alcatraz Island, and limited service to Fort Baker and interpretive Bay cruises. If the Commission concurs with the conceptual-level activities identified below, its concurrence would be limited to a determination that the conceptual plan *only* will not have an effect on the coastal zone and is consistent with the Commission's Amended Management Program for San Francisco Bay.

The NPS intends to develop more detailed project plans and additional consistency determination(s) that will be provided to the Commission for further review and consideration prior to project construction. Additionally, the NPS's partners, including the Port of San Francisco, the Golden Gate National Parks Conservancy and, likely, a separate concessionaire, will obtain additional review and permit consideration by the Commission prior to construction of the subject project.

At Piers 31, 31½, and 33: Renovate existing piers and an associated wharf facility to expand ferry service to the NPS's Alcatraz Island, establish new limited ferry service to Fort Baker, and facilitate other interpretive Bay cruises by: (a) removing existing ferry service facilities; (b) repairing the Pier 31½ marginal wharf; (c) installing berthing facilities for three vessels, including gangways, floats, guide piles, and fender piles; (d) installing passenger-serving facilities at Pier 31½, including ferry and ticket queuing areas covered by free-standing structures, interpretive exhibits, seating, and related infrastructure; (e) renovating the Piers 31 and 33 shed and bulkhead buildings to provide restrooms, operational storage, parking, food and beverage service, and retail space; and (f) conducting on-going, in-kind maintenance of these facilities.

At Fort Baker: Construct facilities to establish ferry service by: (a) repairing a concrete pier; (b) installing berthing facilities for one vessel, including a gangway, float, guide piles, and fender piles; (c) installing a covered waiting area and interpretive exhibit located adjacent to the pier; (d) constructing a pedestrian pathway connecting the pier to a nearby lodge and museum; and (e) conducting on-going, in-kind maintenance of these facilities.

The project will allow for expand ferry service to Alcatraz Island (National Park) at Pier 31½, which has been used in this manner for the past 11 years. The improved facility will provide for additional anticipated future visitor demand, including an anticipated two additional ferry trips per day to Alcatraz during the peak season. The project will also provide for more efficient movement of visitors through the project area, public-serving facilities (including additional public restrooms and a café), and other public-serving improvements (including a plaza, seating, and interpretive exhibits).

At Fort Baker, adjacent to the City of Sausalito, at the location of an existing concrete pier used mainly for recreation, including fishing, facilities, including berthing and visitor-serving facilities, will be installed to accommodate a new ferry service with visitors embarking from Pier 31½. The proposed Fort Baker ferry service will operate on weekends only, providing service to approximately 40,000 ferry passengers per year.

The project will require a minor amount of fill associated with increasing berthing capacity, though the exact quantity has not yet been determined, and no dredging will be required. The project will incorporate measures to mitigate for potential adverse effects to aquatic organisms during construction, and will be designed to avoid adverse effects to water quality. The project will be designed to accommodate and be resilient to future sea level rise, as project elements will either be unaffected by sea level rise during the life of the project, or will be designed to remain resilient to periodic flooding during extreme inundation events. The project will be designed to provide enhanced views of the Bay at the ferry embarkation site over current conditions.

For the Commission to be able to evaluate and concur that future consistency determination request(s) are consistent with the Commission's Amended Management Program for San Francisco Bay, the NPS will provide information that includes design details for all project elements, including proposed public access improvements and structural repairs to existing piers, proposed fill amounts for all improvements, and other detailed project information. The proposed design of the ferry embarkation site was reviewed by the Commission's Design Review Board (DRB) at its August 7, 2017 meeting. Future DRB and possibly Engineering Criteria Review Board (ECRB) review will be required before the Commission evaluates and concurs with future consistency determination request(s).

Tentative

Staff Position: *Staff recommends Commission concurrence with the determination of the NPS that the conceptual project plan is consistent to the maximum extent practicable with the Commission's Amended Management Program for the San Francisco Bay. This concurrence is partly based on the condition that the NPS submit one or more subsequent consistency determinations as plans are developed for the project, and that it provides detailed project information to allow the Commission to evaluate the consistency of future project plans and details to determine it is consistent to the maximum extent practicable with the Commission's coastal management program.*

Tentative Staff Position: Recommend Approval. (Ethan Lavine, (415) 352-3618, ethan.lavine@bcdca.gov)



Josephs Storage Yard

Yard - 69 Industrial Way, Larkspur, CA 94939

Office - 125 Locust Ave, Larkspur, CA 94939

Phone 415.924.2731 Fax 415.924.3322

July 20, 2017

B.C.D.C.
Tina Hoang
Suite 10600
455 Golden Gate Ave.
San Fransco, CA 94102

Dear Ms. Hoang:

We are wholeheartedly against ANY disturbance in the Bay Marsh east of Industrial Way Rd. in Larkspur, recently purchased by Autobon. For many years now the marsh has been recovering from man's interference and should be allowed to configure itself. Bull dozing is NOT the answer. Besides ruining the marsh, bull dozing will cause flooding.

LEAVE the Palm Tree – it is thriving. There are many rabbits and other wild animals in the marsh. LEAVE IT ALL ALONE.

“NO” TO BARBARA SALZMAN AND HER PLANS TO BULL DOZE.

Sincerely,

Pierre Josephs & Donna Crawford

Email: PierreJosephs@yahoo.com



SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION